

## MANSFIELD TOWNSHIP COMMITTEE MEETING

August 9, 2017

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star Gazette and Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Misertino, Mr. Hayes, Mrs. Mora Dillon, Mrs. Kocher, Mayor Watters

Salute to the flag was done by all.

### APPROVAL OF THE MINUTES:

Mr. Hayes made a motion to approve the minutes from the regular meeting held on July 26, 2017, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Misertino, Mr. Hayes, Mrs. Mora Dillon, Mrs. Kocher, Mayor Watters

Nays: None

Absent: None

Abstain: None

Mrs. Mora Dillon made a motion to approve the minutes from the Executive Session that was held on July 26, 2017, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Hayes, Mrs. Mora Dillon, Mrs. Kocher, Mayor Watters

Nays: None

Absent: None

Abstain: None

### BILL LIST

Mrs. Mora Dillon made a motion to approve the bill list, which was seconded by Mr. Hayes.

Ayes: Mr. Misertino, Mr. Hayes, Mrs. Mora Dillon, Mrs. Kocher, Mayor Watters

Nays: None

Absent: None

Abstain: None

### CLERKS REPORT:

Ms. Hrebenak stated that a letter was provided from the insurance company regarding renewals and requested direction.

Mayor Watters stated that we should look for other options.

Ms. Hrebenak stated we received a snow plow application from Rich Bross.

Ms. Hrebenak stated that she needs approval of a Tricky Tray and raffle application for St. Theodore's Church to be held on December 2 at 3pm.

Mr. Hayes made a motion to approve the raffle application, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Hayes, Mrs. Kocher, Mayor Watters

Nays: None

Absent: None

Abstain: Mrs. Mora Dillon

Ms. Hrebenak stated that she needs approval of a Pocketbook Bingo for Mansfield Fire Company to be held on September 23 from 1 pm – 6pm.

Mr. Hayes made a motion to approve the raffle application, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Misertino, Mr. Hayes, Mrs. Mora Dillon, Mrs. Kocher, Mayor Watters

Nays: None

Absent: None

Abstain: None

Ms. Hrebenak stated that she needs approval of an off-site 50/50 Raffle for Mansfield Cowboys to be held on October 21 from 3 pm – 9pm and on-site 50/50 Raffles to be held on September 2, 9, 30 and October 21.

Mr. Hayes made a motion to approve the raffle application, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Misertino, Mr. Hayes, Mrs. Mora Dillon, Mrs. Kocher, Mayor Watters

Nays: None

Absent: None

Abstain: None

Ms. Hrebenak received a request from Tri-County to park their trucks at DPW during their Pig Roast on August 19.

Mr. Hayes made a motion to approve Tri-County's use of DPW parking lot, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Hayes, Mrs. Mora Dillon, Mrs. Kocher, Mayor Watters

Nays: None

Absent: None

Abstain: None

Ms. Hrebenak stated that the first resolution on the agenda is being pulled and will be on for the next meeting.

#### EMPLOYEES REPORTS:

Mrs. Fascenelli stated that the Tax bills have been mailed and the extended date will be August 21.

Mrs. Fascenelli stated that the Deputy Clerk was instrumental on getting all of the information and the tax bills out.

Mrs. Fascenelli spoke to Donnelly Energy and all of our items are in order but there is a back up at the State.

#### ENGINEERS REPORT:

Mr. DiSessa stated that the Heiser Road project and Watters was submitted to DOT for their review.

Mr. DiSessa stated that Watters road will probably be out to bid first.

Mr. DiSessa suggests that we apply for a grant for Mount Bethel for 2018 and only go for one.

PUBLIC PORTION:

Elizabeth Griggs, 545 Mount Bethel Road, followed up on the OPRA request for emails of Mayor Watters. At July 26 meeting regarding Park grant there was no request to follow up on Green Acres funding and why was there no issue with spending the money on the Mount Bethel Church.

Mayor Watters explained that he was interested what would be the issues that we would face taking Green Acres money.

Ms. Griggs stated that the Committee voted on the tennis courts being converted to basketball courts in Kensington.

Ms. Griggs asked why the DPW estimate is so much less than the Engineer's and Halecon.

Ms. Griggs stated that in the past she has been very prepared and she is cut off and she is being discriminated against.

Mr. Minter, 545 Mount Bethel Road, spoke to the Township Committee in reference to the tar and chipping of Mount Bethel Road.

Mr. Hayes stated that back in 2000 the road was tar and chipped.

Mr. Minter asked if the road has ever been paved.

Mr. Petteruti spoke to the Township Committee in reference to Snyder Road and questioned why his road has never been considered to be repaired with a grant and why the Township cannot restrict the truck traffic on Snyder Road. Mr. Petteruti stated that he would rather see all of the roads oil and chipped then one road paved.

John Valente, 6 Saxton Lane, asked if there was a five year plan for the roads.

RESOLUTION:

RESOLUTION 2017-90

**WHEREAS**, the property identified as Block 501, Lot 1.0101 Q T01 for the years 2017 was a duplication of existing lot and was placed on the Tax List in error

**WHEREAS**, this property will be deleted for 2017 and the line item will be removed.

**WHEREAS**, the bills generated should be canceled. The amounts of the said bills for 2017 totaling \$3,317.06.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Mansfield this 9<sup>th</sup> day of August, that the Tax Collector is authorized to cancel the above referenced bills.

Mr. Hayes made a motion to approve the passage of Resolution 2017-90, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Hayes, Mrs. Mora Dillon, Mrs. Kocher, Mayor Watters

Nays: None

Absent: None

Abstain: None

**TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY**  
**RESOLUTION # 2017-91**

**TITLE: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for an equal amount; and

**WHEREAS**, the Township of Mansfield has been awarded \$ 70,450.00 Hazard Mitigation Grant from FEMA (FE-MA-DR-4086-NJ-538-R) for a generator to be located at the Department of Public Works Building and wishes to amend its 2017 Budget to include this amount as revenue.

**SECTION 1.**

**NOW, THEREFORE BE IT RESOLVED** that the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$ 70,450.00 which is available as a revenue from:

Miscellaneous Revenues –  
Revenue Offset with Appropriations – Hazard Mitigation Grant  
Total with increase to be \$ 70,450.00

**SECTION 2.**

**BE IT FURTHER RESOLVED** that a like sum of \$ 70,450.00 be and the same is hereby appropriated under the caption of:

General Appropriations –  
Public & Private Programs Offset by Revenues – Hazard Mitigation Grant  
State / Federal Share       \$ 70,450.00  
Non State Share               \$  
Total with increase to be   \$ 70,450.00

**BE IT FURTHER RESOLVED** that two certified copies of this resolution with a copy of the appropriate documentation be forwarded to the Division of Local Government Services.

Mrs. Mora Dillon made a motion to approve the passage of Resolution 2017-91, which was seconded by Mr. Hayes.

Ayes: Mr. Misertino, Mr. Hayes, Mrs. Mora Dillon, Mrs. Kocher, Mayor Watters  
Nays: None  
Absent: None  
Abstain: None

**Township of Mansfield, NJ  
RESOLUTION # 2017-92**

**RESOLUTION IN SUPPPORT OF THE (F.O.P.) FIBRODYSPLASIA OSSIFICANS PROGRESSIVA AWARENESS  
INITIATIVE**

WHEREAS, Fibrodysplasia Ossificans Progressiva (FOP) is a rare genetic condition in which the body makes additional bone in locations where bone should not form, such as within muscles, tendons, ligaments, and other connective tissues, which in time produces a "second skeleton" that immobilizes the joints of the body; and

WHEREAS, one in every seven Americans suffer from musculoskeletal impairment causing physical disability and severe long-term pain; and

WHEREAS, the symptoms of FOP usually begin in the first or second decade of life, with the majority of patients diagnosed by the age of 10 depriving children of normal development; and

WHEREAS, FOP is considered an orphan disease whereby it affects so few people and there are less than 12 diagnosed cases in New Jersey and approximately 200 in the nation; and

WHEREAS, musculoskeletal research is close to achieving major breakthroughs that likely will change and simplify the way bone and joint disorders are treated and prevented throughout the world; and

WHEREAS, there is a need for greater awareness of this disorder, its symptoms and the obstacles faced by persons and families affected by this disorder.

NOW, THEREFORE, BE IT RESOLVED that the Township of Mansfield Mayor and Committee, in the County of Warren and State of New Jersey, hereby applaud and recognize Gary W. Whyte as an outstanding individual for his tenacious drive to support and help so many within the community for the awareness of Fibrodysplasia Ossificans Progressiva (FOP) and urge the medical community to continue researching for treatment and a cure for this rare genetic disorder.

Mrs. Mora Dillon made a motion to approve the passage of Resolution 2017-92, which was seconded by Mr. Hayes.

Ayes: Mr. Misertino, Mr. Hayes, Mrs. Mora Dillon, Mrs. Kocher  
Nays: None  
Absent: None  
Abstain: None

**RESOLUTION #2017- 93  
TOWNSHIP OF MANSFIELD COUNTY OF WARREN STATE OF NEW JERSEY TO RESCIND DEDICATION BY  
RIDER TRUST FUNDS**

WHEREAS, the following funds were established to accept fees, and

WHEREAS, the Recreation Commission has been modified to a Recreation Committee,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Mansfield, County of Warren, State of New Jersey as follows:

1. The Mayor and Committee hereby request permission of the Director of the Division of Local Government Services to rescind the following Dedication by Rider Trust Funds: Board of Recreation Commission (N.J.S.A. 40:12-1 et seq.)
2. The municipal clerk of the Township of Mansfield is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Mrs. Mora Dillon made a motion to approve the passage of Resolution 2017-93, which was seconded by Mr. Hayes.

Ayes: Mr. Misertino, Mr. Hayes, Mrs. Mora Dillon, Mrs. Kocher, Mayor Watters

Nays: None

Absent: None

Abstain: None

**ORDINANCE:**

1<sup>st</sup> Reading:

**ORDINANCE # 2017-10**

**AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE SALARIES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MANSFIELD AND THE METHOD OF PAYMENT OF SUCH SALARIES AND**

**BE IT ORDAINED**, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey as follows:

**SECTION 1**, The salaries per annum of rate of compensation for the following officer and employee of the Township of Mansfield is determined to be as follows:

	Range	
Land Use Board Secretary	\$ 10,000	\$ 18,000

Mr. Misertino made a motion to approve the introduction of Ordinance 2017-10 and requested that the public hearing be advertised to be held on September 13, 2017 at 8 pm, which was seconded by Mr. Hayes.

Ayes: Mr. Misertino, Mr. Hayes, Mrs. Mora Dillon, Mrs. Kocher, Mayor Watters

Nays: None

Absent: None

Abstain: None

**ORDINANCE 2017-11**

**ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN,  
STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 37  
“FIRE DEPARTMENT,” TO ADD ARTICLE III, ENTITLED “REIMBURSEMENT  
FOR COSTS”.**

**WHEREAS**, the Fire Department provides fire suppression and emergency services in and around the Township of Mansfield; and

**WHEREAS**, the costs incurred for the maintenance of equipment used by the Fire Department grows each year; and

**WHEREAS**, it is the desire of the Township Committee to create an Ordinance to allow a recovery plan for the costs and expenses incurred to remediate hazards; and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, as follows:

**SECTION 1.** Chapter 37 of the Code of the Township is hereby amended to add Article III entitled “Reimbursement For Costs” which reads as follows:

**Article III. Reimbursement for Costs.**

**§ 37-15. Definitions.**

**FIRE DEPARTMENT**

Any of the four Fire Departments within Mansfield Township.

**PERSON**

A natural person or persons, partnership, corporation, association, firm or other legal entity.

**RESPONSIBLE PARTY**

The person having received emergency services provided by the Fire Department.

**§ 37-16 Purpose.**

The purpose of this article is to provide authority, procedures and requirements to seek collection and reimbursement for the reasonable costs of responding to such incidents by the Fire Department for fire service calls, hazardous ma-

terial incidents, environmental incidents, and safety and rescue incidents coordinated via Warren County Dispatch and 911 responses, and those that use hazardous material abatement equipment and materials are also eligible for reimbursement.

**§ 37-17. Authorization to recover costs and expenses.**

The governing body of the Township of Mansfield authorizes the Fire Department to recover the real and reasonable costs incurred for firefighting materials or equipment used and expended; the costs of the use of fire trucks, fire engines, rescue equipment, tankers and other vehicles; the costs of hazardous situation abatement materials involved in any fire, safety and rescue incident or operation, and hazardous abatement incident, including vehicular accidents or fires.

**§ 37-18. Policy for billing.**

- A. The Township of Mansfield recognizes the Fire Department's need to bill for volunteer fire, rescue and hazmat services to aid in the provision of emergency services.
- B. No person requiring emergency services shall be denied services due to lack of insurance or ability to pay.
- C. Any applicable charges for volunteer emergency services rendered shall be billed directly to the user of such services or the user's insurance company.
- D. The Fire Department through any third-party billing agency with which it has contracted for billing and/or collections for volunteer fire, rescue and hazmat services, makes arrangements with users of such services and/or their financially responsible party for the installment payment of bills.
- E. The Fire Department shall provide a financial reporting to the Township of Mansfield on a quarterly basis of:
  - (1) The opening balance of funds on hand.
  - (2) Amount of billings issued by the third-party biller.
  - (3) Amount of collections in satisfaction of billings issued.
  - (4) A detailed listing of any amounts disbursed, including the vendor and purpose of disbursement.
  - (5) The ending balance of funds on hand.

**§ 37-19. Procedure for billing.**



A. The Fire Department is hereby authorized to enter into a contract with a third-party billing agency and/or collection agency for the performance of emergency, rescue and hazmat services billing and/or collection services, provided that the following standards for third-party billing are met:

(1) The third-party billing service is to be provided at a rate not to exceed 20% of fees collected or at an amount consistent with the fair market value for the services rendered.

(2) Neither the billing agency nor any of its employees are subject to exclusion for any user fee.

(3) The billing agency is bonded and/or insured in amounts satisfactory to the Township of Mansfield.

(4) The Fire Department shall solicit competitive proposals for the provision of third-party billing services at least once every three years to ensure these services are provided at the lowest competitive cost. All documentation of this process shall be provided to the Township of Mansfield for review.

B. The Fire Department may, at its discretion, bill additionally for material and vehicle costs in the case of any major, extraordinary or unique incidents, including, but not limited to, hazardous material spills, fire emergency and rescue incidents that destroy or severely damage emergency services equipment.

C. User fees.

(1) Volunteer fire and rescue services shall initiate user fees for the delivery of emergency services, supplies and equipment to the scene of any hazardous material incident, environmental incident or safety and rescue incident or operation, including vehicular accidents and fires that occur and are responded to by the Fire Department.

(2) Every person and/or utility that is provided with volunteer emergency, rescue and hazmat services shall be billed a user fee in accordance with this article.

(3) The user fee for volunteer emergency services rendered shall be billed directly to the user of such services' insurance company. If the insurance company is not known, the user of services shall be billed directly, with instructions to forward the bill to his/her insurance provider.

(4) Any and all amounts collected as a result of this article shall be used exclusively for the replacement or maintenance of Fire Department emergency services materials, equipment and training.

(5) The Township of Mansfield may implement rules and/or regulations and/or revoke or amend existing rules and/or regulations as may be deemed necessary for the billing and/or collection and use of user fees pursuant to this article.

**D. Uncollectable accounts.**

(1) The user fee is anticipated to be paid by the user's insurance company. In the instance where the Fire Department receives notification from the insurance carrier that it will not honor the invoice, the Fire Department is authorized to invoice the responsible party directly and take any legal action necessary to collect the fee(s), including negotiating a settlement.

(2) The Fire Department may, at its discretion, write off the uncollected fee amounts as a bad debt, without prejudice to the responsible party.

(3) Should the Fire Department determine that an insurance carrier has remitted the fee to the responsible party involved and that the party has failed to remit the fee, the Fire Department is authorized to pursue all legal means and appropriate action in order to collect the account.

**§ 37-20. Saving Clause.**

Nothing in this article shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any act or ordinance hereby; nor shall any just or legal right or remedy or any character be lost, impaired or affected by this article.

**§ 37-21. Violations and Penalties.**

Any person violating any provision of this article and responsible for any hazardous condition within the service area of the Department who fails to reimburse the Department as provided herein, or submit a claim to the appropriate insurance carrier within the time required, shall be subject to a penalty and/or fine for each violation in accordance with Code of the Township of Mansfield.

**SECTION 2.** All ordinances or parts of ordinances which are consistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect after final passage and publication in accordance with the law.

Mr. Hayes made a motion to approve the introduction of Ordinance 2017-11 and requested that the public hearing be advertised to be held on September 13, 2017 at 8 pm, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Hayes, Mrs. Mora Dillon, Mrs. Kocher, Mayor Watters

Nays: None

Absent: None

Abstain: None

### EXECUTIVE SESSION:

Mr. Lavery, Esq. stated that during Executive Session a personnel matter will be discussed.

Mr. Hayes made a motion to enter in Executive Session at 8:23 pm, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Misertino, Mr. Hayes, Mrs. Mora Dillon, Mrs. Kocher, Mayor Watters

Nays: None

Absent: None

Abstain: None

Return from Executive Session at 8:39 pm

Roll Call: Mr. Misertino, Mr. Hayes, Mrs. Mora Dillon, Mrs. Kocher, Mayor Watters

Mr. Hayes made a motion to have the Chief proceed with the action that was discussed in Executive Session, which was seconded by Mrs. Kocher.

Ayes: Mr. Misertino, Mr. Hayes, Mrs. Mora Dillon, Mrs. Kocher, Mayor Watters

Nays: None

Absent: None

Abstain: None

Mr. Lavery, Esq. stated that during Executive Session where we discussed police personnel matters, and potential litigation, copies of these minutes will be available as soon as the Committee feels they are no longer a harm to the public interest.

### COMMITTEE PERSON COMMENTS:

Mr. Misertino spoke to the Township Committee in reference to the Trail grant. The total estimate is \$39,552 with a grant for \$24,000 so there would be a need for the Township to cover \$15,552.

Mrs. Mora Dillon and Mayor Watters spoke to Mr. Wood in reference to the trail and the maintenance that will be required.

Mr. Misertino made a motion to approve the trail grant for all three sections and taking the rest of the money from Open Space, which was seconded by Mrs. Kocher.

Ayes: Mr. Misertino, Mr. Hayes, Mrs. Kocher

Nays: Mrs. Mora Dillon, Mayor Watters

Absent: None

Abstain: None

Mr. Hayes stated that he was contacted by Ms. Roy from the Warren County Planning Department, who is also a member to Morris Canal Society, asking for a letter supporting their Trail project.

Mr. Hayes made a motion to approve the Clerk sending a letter in support of the application for the Morris Trail project, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Hayes, Mrs. Mora Dillon, Mrs. Kocher, Mayor Watters

Nays: None  
Absent: None  
Abstain: None

Mr. Hayes thanked Chief Sansevere for the invitation to join the Camp Merry Heart ride, which was attended by other surrounding fire companies, which was a real eye opener.

Mrs. Mora Dillon made a motion to adjourn at 9:01 pm, which was carried by all.